



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,853	03/02/2004	Prosenjit Ghosh	42P16049D	3103
8791	7590	05/19/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			DUONG, HUNG V	
			ART UNIT	PAPER NUMBER
			2835	
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/790,853	GHOSH ET AL.	
	Examiner	Art Unit	
	Hung v. Duong	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-44 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/04; 10/04.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-29 of U.S. Pat. 6,775,129. Although the conflicting claims are not identical, they are not patentably distinct from

each other because it has been held that omission of an element and its function (a chipset, coupled to the CPU) in a combination where the remaining elements perform the same functions as before involves only routine skill in the art.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-12, 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Cipolla (US Pat. 6,097,595).

Regarding claims 1-2, 8-12, 31-35 Cipolla discloses a computer system comprising: a display housing comprising a display 12 and a CPU (not shown); a base comprising a keyboard 2; and a base flap 14 pivotally attached to the display 12 housing and pivotally attached to the base flap 14 so that the display housing 12 may be oriented to rest on the base with the keyboard 2 exposed for use with the display 12 wherein the display housing 12 further comprises connectors 24, 34 for external peripherals wherein the base flap is attached so that it may be wrapped around the display housing 12 wherein the base flap is removably attached to the display housing using a latch 16, 18 wherein the latch 16, 18 permits the base flap to pivotally rotate against the base wherein when the display housing 12 is oriented to rest on the base,

the base flap 14 and the base fold under the display housing 12 with a portion of the base flap protruding.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cipolla (US Pat. 6,097,595) in view of Rezek et al (US Pat. 5,321,420).

Regarding claims 3-7, Cipolla discloses all the subject matter of the claimed invention except for controls to control speaker volume and display brightness, indicaiors for at least one of battery power remaining, hard drive access, and power mode, a speaker portion, a microphone and a power button, an embedded wireless antenna, communication port. However Rezek et al disclose controls to control speaker volume and display brightness, indicaiors for at least one of battery power remaining, hard drive access, and power mode, a speaker portion, a microphone and a power button, an embedded wireless antenna, communication port (see figure 1). Therefore, it would be obvious to one of ordinary skill to modify controls to control speaker volume and display brightness, indicaiors for at least one of battery power remaining, hard drive access, and power mode, a speaker portion, a microphone and a power button, an

embedded wireless antenna, communication port of Rezek's display into Cipolla's display in order to be convenient for users.

6. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cipolla (US Pat. 6,097,595) in view of Rosenberg et al (US Pat. 6,429,846).

Regarding claims 18-28, Cipolla discloses all the subject matter of the claimed invention except for a display housing including a tablet, the tablet having an underlay to receive signals input by a pen. However Rosenberg et al disclose including a tablet, the tablet having an underlay to receive signals input by a pen (see figure 8A). Therefore, it would be obvious to one of ordinary skill to modify the tablet having an underlay to receive signals input by a pen of Rosenberg's display into Cipolla's display in order to be alternately input.

Allowable Subject Matter

7. Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show that the base may be oriented to cover the display, the computer system further comprising a second display accessible when the primary display is covered by the base.

8. Claims 36-44 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show that a display housing having a first surface having a first display and a second surface opposite the first surface having a second display; and a base pivotally attached to the display housing to alternately protect the first display in a closed position and expose the first display in an open position.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen et al (US Pat. 6,761,421) teach computer enclosure with pivoting opening means.

Jackson III (US 2004/0155861) teaches portable display monitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571-272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2835

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVD

05/12/05.



Hung Duong
Primary Examiner.